

REMARKS

Applicants have considered the October 2, 2007 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-20 are pending in this application.

In response to the Office Action dated October 2, 2007, claims 1 and 20 have been amended and the specification has been amended to correct minor typographical and/or grammatical inconsistencies. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed disclosure as, for example, the depicted embodiments (Figs. 1, 6, 9, 12, 16, 18 and 20) and related discussion thereof in the written description of the specification, including page 6, lines 20-22. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Claims 1-7, 13-16 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Niksa et al. (U.S. Pat. No. 5,196,276, hereinafter "Niksa") in view of Fujita et al. (U.S. Pat. No. 6,225,779, hereinafter "Fujita") and Okazaki et al. (JP 11-339828, hereinafter "Okazaki"). Applicants respectfully traverse the rejection.

Independent claim 1 discloses a stack type battery including, *inter alia*, main circuit tab electrodes disposed at both ends of the stack type battery and extending outward oppositely in a direction intersecting the stack direction; and a bipolar electrode comprised of a positive electrode active material layer, a current collector and a negative electrode active material layer

laminated in this order, wherein the current collector is disposed at the both ends of the stack type battery being respectively connected to the main circuit tab electrodes.

Independent claim 20 discloses a method of manufacturing a stack type battery including, *inter alia*, providing main circuit tab electrodes disposed at both ends of the stack type battery and extending outward oppositely in a direction intersecting the stack direction; and providing a bipolar electrode comprised of a positive electrode active material layer, a current collector and a negative electrode active material layer laminated in this order, wherein the current collector is disposed at the both ends of the stack type battery being respectively connected to the main circuit tab electrodes.

It is believed that the Examiner has relied on Niksa for allegedly disclosing a laminated bipolar electrode comprised of a positive electrode active material layer, a current collector and a negative electrode active material layer. However, it is believed that the Examiner may have confused the difference between the current collector of the present claimed subject matter and the electrolyte disclosed in Niksa. Niksa, at col. 2, lines 7-17, quoted by the Examiner, is different from the current collector of the present claimed subject matter. In addition, Niksa, at col. 5, lines 20-22, which sets forth the electrolyte chambers 28, is also different from the above current collector of the claimed subject matter. It is submitted that the term “current collector” is a well established technical term of art.

Applicants submit that the endmost anode plate 72a of Niksa is a current collector, as the term would be recognized by one of ordinary skill of the art. See Fig. 2 and Fig. 10 of Niksa. As described at col. 13, lines 25 to 27, the current generated in the cell module (12) is collected at the endmost anode plate 72a (Fig. 10) which is part of the valve assembly 52. Moreover, col. 13,

lines 34-36 of Niksa describes that the current collected at an endnote anode plate 72a is thus transmitted from cell module (12) to cell module (12) via the flexible cables.

With the present claimed subject matter, the current collector 31 is sandwiched between the positive electrode active material layer 32 and the negative electrode active material layer 33, See Fig. 4. In contrast, Niksa's endmost anode plate 72a is not sandwiched between the cathode 24 and the anode 26. Further, neither Fujita nor Okazaki remedy the above argued structural deficiency of Niksa. Thus, even if the applied references are combined as suggested by the Examiner, the present claimed subject matter of independent claims 1 and 20 would not result. Accordingly, the rejection is not legally viable and should be withdrawn.

Dependent claims 8-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Niksa in view of Fujita and Okazaki and further in view of Sato et al. (U.S. Pat. No. 6,589,690, hereinafter "Sato"). Applicants respectfully traverse.

Dependent claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Niksa in view of Fujita, Okazaki and Sato and further in view of Loutfly (U.S. Pat. No. 6,146,791, hereinafter "Loutfly"). Applicants respectfully traverse.

Dependent claims 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Niksa in view of Fujita and Okazaki and further in view of Evers et al. (U.S. Pat. No. 6,271,646, hereinafter "Evers"). Applicants respectfully traverse.

Applicants incorporate herein the arguments previously advanced in traversal of the rejection of claims under 35 U.S.C. § 103(a) predicated upon Niksa, Fujita and Okazaki. The remaining references to Sato, Loutfly and Evers do not cure the argued deficiencies of Niksa, Fujita and Okazaki. Thus, even if the applied references are combined as suggested by the Examiner, the claimed subject matter will not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837

Application No.: 10/644,866

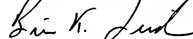
F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988). Moreover, if any independent claim is non-obvious under 35 U.S.C. § 103(a), then any claim depending therefrom is non-obvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Brian K. Seidleck
Registration No. 51,321

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 BKS:dw
Facsimile: 202.756.8087
Date: January 2, 2008

**Please recognize our Customer No. 20277
as our correspondence address.**